

**15379. Misbranding of crackers. U. S. v. Frank E. Block Co. Plea, of guilty. Fine, \$250. (F. & D. No. 21563. I. S. Nos. 6744-x, 6745-x, 6750-x, 6751-x, 7468-x, 7469-x, 7470-x, 7471-x.)**

On March 1, 1927, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Frank E. Block Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on January 29, February 9, and July 3, 1926, respectively, from the State of Georgia into the State of North Carolina, of quantities of crackers, which were misbranded. The articles were labeled, variously, in part: (Packages) "Lemon Snaps Contents Average 26 Biscuit 4 Ounces Frank E. Block Co Atlanta;" "Vanilla Waferettes The Kennesaw Brand Contents Average 24 Biscuit 3½ Ounces (or "2¾ Ounces");" "Block's Cheeselets Net Weight 2¾ Ozs.;" "Block Soda Crackers \* \* \* Net Weight 4½ Ounces;" "Block's Kennesaw Biscuit \* \* \* Contents Average 22 Biscuit 4¾ Ounces;" "Block Milk Biscuit Contents Average 24 Biscuit, 4¾ Ounces."

It was alleged in the information that the articles were misbranded, in that the statements, to wit, "Contents Average 26 Biscuit," and "4 Ounces," with respect to the lemon snaps; "Contents Average 24 Biscuit 3½ Ounces," or "Contents Average 24 Biscuit 2¾ Ounces," with respect to the vanilla waferettes; "Net weight 2¾ Ozs.," with respect to the cheeselets; "Net Weight 4½ Ounces," with respect to the soda crackers; "Contents Average 22 Biscuit, 4¾ Ounces," with respect to the Kennesaw biscuit; and "Contents Average \* \* \* 4¾ Ounces," with respect to the milk biscuit, borne on the packages containing the respective products, were false and misleading in that the said statements represented that the packages contained the numerical amounts and the net weights declared on the labels thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the numerical amounts and the net weights declared on the said labels, whereas the said packages contained less than the declared net weights, and the packages of lemon snaps averaged less than 26 biscuit, the packages of vanilla waferettes averaged less than 24 biscuit, and the packages of Kennesaw biscuit averaged less than 22 biscuit. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 15, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15380. Adulteration of canned cherries. U. S. v. 100 Cases of Canned Cherries. Product ordered released under bond to be reconditioned. (F. & D. No. 21530. I. S. Nos. 2298-x, 11935-x. S. No. C-5104.)**

On January 13, 1927, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of canned cherries, at Cleveland, Ohio, alleging that the article had been shipped by the Newfane Preserving Co., from Newfane, N. Y., on or about August 14, 1926, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pennant Brand New York State Pitted Red Cherries \* \* \* Packed by Newfane Preserving Co., Newfane, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 1927, the K. L. Stevens Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of an order in conformance with the prayer of the said libel, judgment was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that the said cherries be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*